IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE FIFTH DAY OF SEPTEMBER, TWO THOUSAND AND FIVE

: PRESENT :

THE HON'BLE MR. JUSTICE : V.V.S.RAO

W.P. No. 18996 of 2005

Between:

1. Katuru Balaiah
2. Gangabathina Basavaiah …Petitioners

AND

1. The District Collector, Nellore.
2. The Revenue Divisional Officer, Gudur, Nellore District..
3. The Mandal Revenue Officer, Pellakur, Nellore District.
4. K. Ganeshan S/o.Krishnappa Agrciutlure, 59, Ex.Service man
   R/o. H.No.5-316/1, West Street,Naidu Town, Nellore District.
   ..Respondents

Petition under Article 226 of the Constitution of India praying that in circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue

an order, direction or writ more particularly one in the nature of writ of mandamus declaring the Order of the Revenue Divisional Officer, Gudur,Nellore District , the 2nd respondent herein passed in Rc.A.1760/2003 dated 29.7.2004 where under he ordered the resumption of the following lands ie., Ac..021 cents comprised in Sy.No.74-23, Ac.0.14 cents in Sy.No.74-26, Ac.0.33 cents in Sy.No.74-20, Ac.0.33 cents in Sy.No.74-25, Ac.1.09 cents inSy.No.74-24, Ac.0.75 cents in sy.No.74-34 in total Ac.2.85 cents of dry land situated in Thalvaipadu Village, Pellakur Mandal, Nellore District to Government and further directing the M.R.O., Pellakur to take position of the above lands to the Government and make necessary entries in village and Mandal records as illegal arbitrary and against the G.Os issued from time to time and setaside the same. and consequently direct the respondents to grant patta to the petitioners .

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. V.Sudhakar Reddy, Advocate for the petitioners and of Government Pleader for Revenue for Respondents 1 to 3 .

The Court made the following ORDER:

"The learned Assistant Government Pleader produced file. He submits that against the cancellation of resumption, the original Assignee, who is an Ex.serviceman, filed appeal unsuccessfully. He filed a Revision petition before the Chief Commissioners lands & Administration, which is pending. Learned Assistant Government Pleader seeks a week's time for filing counter.

Leaned counsel for the petitioner submits that there is standing sugarcane crop. This is denied by the learned A.G.P. who submits that the possession was already taken by the Vigilance Secretary under Panchanama

dated 04.10.2004. The same is recorded.

There shall be status quo as on today for a period of one week.

If the petitioner is in possession , it shall be open to him to take steps for watering the sugarcane crop.

Post on 12.9.2005 in the 'Motion List."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The District Collector, Nellore.
2. The Revenue Divisional Officer, Gudur, Nellore District..
3. The Mandal Revenue Officer, Pellakur, Nellore District.
4. K. Ganeshan S/o.Krishnappa Agrciutlure, 59, Ex.Service man
   R/o. H.No.5-316/1, West Street,Naidu Town, Nellore District.
5. Two CCs to the G.P for Revenue, High Court of A.P., Hyderabad. (OUT)
6. One spare copy.

RV

High Court

VVSR,J

Dated 5.9.2005

Note: Post on 12.9.2005

ORDER
WP.No. 18996 of 2005

Direction

High Court

Drafted by RV
Date: 6.9.2005

VVSR,J

Dated 5.9.2005

Note: Post on 12.9.2005

ORDER

WP.No. 18996 of 2005

Direction